USDA

Decision Notice
and
Finding of No Significant Impact

for the

BLACK HILLS PROJECT
and
Fremont National Forest Land and Resource Management Plan Amendment #37
Environmental Assessment

USDA Forest Service Pacific Northwest Region
Fremont-Winema National Forest
Bly Ranger District
Klamath County, Oregon

Introduction

The Black Hills Project proposes a suite of actions to promote ecological restoration of vegetative systems across the landscape of the planning area. The planning area just north of Beatty, Oregon in the area of Spodue Mountain on the Bly Ranger District encompasses approximately 29,657 acres. About 28,537 acres are National Forest System (NFS) lands managed by the USDA Forest Service, with the remaining 1,120 acres being privately owned. The planning area consists of lands within the Sycan River, Snake River and a portion of the Marsh Reservoir subwatersheds in the Lower Sycan Watershed located west of Bly, Oregon. The project is located within and around T. 34 S., R. 12 E., Willamette Meridian, Klamath County, Oregon (refer to Maps in Appendix A).

Vegetation types in the planning area consist of meadow, grassland/shrubs, and ponderosa pine, lodgepole pine, mixed-conifer, and juniper woodlands. Past management activities and alteration of natural disturbance processes, including fire exclusion, have changed the function, pattern, composition, structure, and density of vegetation within the planning area.

The highest point in the planning area is Spodue Mountain at 6,442 feet, where the Forest Service maintains a fire lookout during the summer. Several communication devices and towers also reside on Spodue. The Sycan River that forms the northeast boundary of the planning area is designated 'Wild and Scenic'.

The Black Hills Project planning area is of specific interest to the Klamath Tribes because it is within former Tribal Reservation lands and is considered an area with high resource values. The Tribes' vision and goals for the forest lands within the Black Hills Project are contained in *A Plan for the Klamath Tribes' Management of the Klamath Reservation Forest* (Klamath Tribes' Plan) prepared by Dr. K. Norman Johnson, Dr. Jerry F. Franklin and Debora L. Johnson (May 2008). The basic goals of the Tribes can be summarized as:

- Restoration of diverse, structurally complex forest ecosystems; and
- Enhancement and protection of the forest, wildlife, water, soil and cultural resources of the former reservation lands.

The Forest Service worked in collaboration with representatives of the Klamath Tribes in developing the Black Hills Project. The Klamath Tribes Director of Natural Resources and Wildlife Biologist were instrumental in developing the proposed action and design details of the alternatives considered for the Black Hills Project EA.

Three alternatives (including No Action) were fully analyzed in the EA. The EA is available for review at the Bly Ranger District office in Bly, Oregon or on the following web site: http://www.fs.usda.gov/projects/fremont-winema/landmanagement/projects

This decision document presents the alternative that has been selected for implementation from the Black Hills Project EA (January 2012), and the rationale for the decision. In this decision document, the planning process will be summarized as needed to provide adequate context for fully describing the decision.

Need for the Proposal

The underlying needs for the proposed Black Hills Project derive from the differences between current resource conditions as summarized in the EA and the desired, sustainable resource conditions as discussed in the Fremont Forest Plan, the *Lower Sycan Watershed Analysis*, and the *Klamath Tribes' Plan*.

The *Lower Sycan Watershed Analysis* identified the need to reduce forest stocking levels, juniper expansion and encroachment, remove or reduce conifers from areas of encroachment, including aspen stands, dry meadows and riparian areas and reduce fuel loadings and reintroduce fire on the landscape.

An extensive road system exists in the Lower Sycan Watershed, with the majority being non-maintained natural surface roads (*Lower Sycan Watershed Analysis*). Areas of relatively gentle terrain are crisscrossed by many, many roads; where it is easy to build roads and difficult to close them (*Klamath Tribes' Plan*).

The general purposes of the Black Hills Project, consistent with the direction of the Forest Plan, would be to promote ecological restoration, including sustainability of vegetative and hydrologic functions within the project planning area. Specifically, the objectives for this project are to:

- Enhance and restore ponderosa pine stands closer to historic conditions
- Protect and enhance existing old growth trees/LOS stands, including Forest Plan allocated old growth
- Reduce fuel levels and reintroduce fire on the landscape
- Improve and enhance mule deer habitat
- Revitalize non-forested vegetation habitat
- Maintain and restore aspen stands
- Enhance riparian habitats
- Reduce road densities
- Provide forest products as a by-product of meeting the above objectives, including the removal of incidental quantities of dead, dying and infested trees.

Decision and Rationale

Based on the analysis documented in the Black Hills Project EA, **I have selected for implementation Alternative 2.** I have reviewed the EA and have determined that there is sufficient information to provide a reasoned decision. In making my decision, I considered information related to the need for the proposal and the purposes for which the proposal has been developed, the key issues identified for this project, input from the project collaborators and other interested public. My decision takes into consideration the manner in which each factor of the need for the proposal would be met by each of the alternatives.

I have selected Alternative 2, because it addresses the mix of resource concerns identified in the area and provides for the best prospective results in regard to stated need for the proposal. In particular, Alternative 2 will provide for treating about 19,000 acres by reducing tree densities and moving stand structures closer toward historical conditions. The planned treatments will protect and enhance existing old growth trees, increase resiliency of forested stands and promote vigorous trees that are more adaptable to changing climate and drought conditions. Ladder and crown fuels will be reduced, providing the opportunity for reintroduction of fire across the landscape while reducing the potential of severe stand replacing wildfire.

Amending the Forest Plan to allow for treatments in allocated old growth (MA 3 and MA 14) will enhance conditions for existing old trees and provide for more resilient and sustainable old growth habitat. Implementing the Forest Plan amendment that is associated with this project providing for cutting some white fir trees >21" will further promote ecological restoration of late and old seral ponderosa and sugar pine.

The helicopter logging included in Alternative 2 will provide the best opportunity to protect the extensive stands of old sugar pine trees, fire lookout and communication facilities, and other important characteristics of Spodue Mountain. While low timber values and the higher costs of helicopter logging will present challenges, I believe that through use of stewardship authorities and pursuit of other funding opportunities that it will be possible to accomplish this important treatment. While the fuel breaks that would be created by Alternative 3 would have some benefit, it would not reduce potential wildfire behavior or severity as effectively in the steep areas on and around Spodue Mountain because ladder fuels and canopy bulk density would remain high. Reintroducing fire in the area of Spodue would be more difficult without the pretreatment helicopter logging, and several entries would be required to bring about desired results.

In meeting the purposes and needs for the proposal, the prescribed thinning treatments will produce forest products that are an important contribution to local and regional economies.

Other important attributes of the Black Hills Project landscape such as, mule deer habitat, Sycan Wild and Scenic River corridor, aspen stands, riparian habitat and meadows will be enhanced through the actions contained in Alternative 2. I find that there is sufficient information and analysis related to road management activities and the identified changes to the Forest Motorized Travel Management Plan to support the actions outlined in the selected alternative.

The actions included in Alternative 2 are supported by those the Forest Service has worked in collaboration with on the Black Hills Project including the Klamath Tribes, Lomakatsi, The Nature Conservancy, Marc Valens, Crystal McMahon, Dr. Jerry Franklin and Dr. Norm Johnson.

During the 30-day public comment period on the Preliminary EA Oregon Wild expressed concerns mostly related to snag and dead wood habitat needs. Responses to their comments have been included in Chapter 4 of the Black Hills Project EA (January 2012). While snag and dead wood habitat is an important component of forested ecosystems, promoting conditions that provide for resilient forest habitats that are sustainable into the future is also necessary. Prescribed treatments are expected to reduce the possibility of large scale disturbances from wildfire and insects and disease which create a pulse of snags, however natural mortality will continue to occur with snags distributed in a patchy fashion across the landscape.

Alternative 1 would not meet the needs or objectives for the proposal because it would do nothing to promote ecological restoration, including sustainability of vegetative and hydrologic functions within the Black Hills Project area.

I believe that Alternative 2, with the included Project Design and Resource Protection Measures (attached as Appendix B) balances the needs for the proposal with being responsive to the identified issues and comments that arose during analysis. I believe that Alternative 2 provides the most effective steps toward ecological restoration of the landscape in the Black Hills Project area, while minimizing impacts to important forest resources.

Other Alternatives Considered

Other than the selected Alternative 2 Proposed Action, Alternative 3 and a No Action alternative were analyzed in detail in the EA. While both action alternatives respond to the issues identified in Chapter 1 of the EA and meet the underlying needs and the purposes for the proposed action, I believe Alternative 2 will provide the best prospective results related to forest health and sustainability, protection of the important resources associated with Spodue Mountain and the opportunity to reintroduce fire to the landscape where it can play a more natural role in ecosystem processes.

<u>Alternative 1 – No Action</u>

Under this alternative, no thinning, prescribed fire, road closures and decommissioning, or other restoration actions, unless authorized by another planning process, would occur in response to the need for the proposal. Ongoing management practices (such as limited road maintenance, fire suppression, and livestock grazing) could continue with the selection of this alternative.

<u>Alternative 3 – No Helicopter or Allocated Old Growth Treatment</u>

Helicopter thinning stands have been dropped in this alternative. Forested stands on Spodue Mountain would be treated primarily through the use of prescribed fire. Thinning treatment corridors have been designated along existing roads on Spodue Mountain to provide for safe ingress and egress and to act as fuel breaks. Allocated old growth stands (MA 3 and MA 14) would not be treated by thinning under this alternative.

Alternative Considered, But Eliminated from Detailed Study
An alternative was considered that would have included utilizing some sort of cable system to log the steep areas on and around Spodue Mountain. This alternative was not fully developed because the soil types that occur on Spodue Mountain are highly susceptible to displacement and it is believed that cable logging would result in unacceptable consequences to soils and to the scenic integrity of the area.

Authorized Actions with the selection of Alternative 2

Implementation of Alternative 2 will include all Project Design and Resource Protection Measures analyzed for this alternative as described in Chapter 2 of the EA and attached in Appendix B of this Decision Notice and the following actions:

Forest Plan Amendment to cut white fir trees greater than 21 inches dbh
Project level Forest Plan Amendment of Regional Forester's Eastside Forests Plan Amendment 2 for the Fremont National Forest Land and Resource Management Plan. Allow for thinning white fir trees greater than 21 inches dbh where it would support ecological restoration goals.

Removal of white fir trees greater than 21 inches dbh will be limited to instances where it would be expected to benefit an adjacent old (generally more than 150 years) ponderosa or sugar pine tree. Generally, this will be those cases where a large white fir tree is in direct competition (within 2x the radius of the dripline) with an old ponderosa or sugar pine tree that is the focus of restoration efforts.

Forest Plan Amendment for Treatments in Allocated Old Growth MA 3 and MA 14
The Forest Plan allocates Management Areas 3 and 14 (MA 3 and MA 14) for Old Growth Dependent Species Habitat. Within the Black Hills Project planning area a total of approximately 2,633 acres have been so allocated. Specifically, the Forest Plan allocates about 675 acres of old growth ponderosa pine areas for goshawk habitat, within the planning area. In addition, the Forest Plan also allocates about 264 acres of old growth pine-associated areas for goshawk habitat. Approximately 1,694 acres of old growth lodgepole pine have been allocated for three-toed woodpecker habitat.

The Fremont Forest Plan describes two prescriptions associated with old growth management areas. Allocated pine and pine-associated old growth stands are to be "dedicated" while lodgepole pine old growth stands are to be "managed".

Forest Plan Standards and Guidelines for allocated pine and pine-associated old growth (MA 3 and 14) include the following:

- *Old-growth pine and pine-associated stands are dedicated, i.e. receive no timber management; however, these stands may have wildlife habitat enhancement projects to maintain or enhance old-growth habitat (Forest Plan, pages 139 and 196).*

The Forest Service will amend the Forest Plan to utilize a commercial timber sale in the Black Hills Project as a tool to accomplish thinning treatment in "dedicated" pine and pine-associated stands to develop sustainable conditions that will benefit old growth habitat. Alternative 2 will thin about 471 acres of pine and 183 acres of pine-associated old growth. Treatments will be focused on maintaining or promoting LOS conditions, while creating resilient forest conditions.

Forest Plan Standards and Guidelines for allocated lodgepole pine old growth (MA 3 and 14) include the following:

- *Lodgepole pine old growth will be managed on a 120-year rotation. Select and place under management replacement stands, with emphasis on stands with the earliest replacement potential (Forest Plan, page 139 and 196).*

In Alternative 2 of the Black Hills Project, the Forest Service proposes an amendment to the Forest Plan to prescribe treatment in "managed" old growth lodgepole other than the described two-tiered system of converting an allocated stand to early seral stage, while designating another stand as replacement old growth. Allowing wildfire to burn uncontrolled or clearcutting through these lodgepole stands is not socially acceptable in the current landscape. Such a pattern is not likely to provide desired resource values. Alternative 2 will treat about 726 acres or 43% of the total allocated lodgepole old growth in the planning area without designating other stands as replacement old growth. This treatment is not identifying or selecting replacement stands because lodgepole stands in the planning area are fairly uniform in age and size, and increased mortality from mountain pine beetles has affected all stands in the planning area. The stands to be treated are ones that have experienced low-moderate mortality from the mountain pine beetle. Stands will be treated by creating openings of ½ to 1 ½ acres in size to promote a second cohort of lodgepole through natural regeneration. Approximately 50% of the individual stands will be treated with openings, focused around aspen in the stands. Treatments will be focused on creating openings within stands to facilitate seral stage diversity that will provide for future old growth long-term, while still allowing the stands to function as old growth in the short-term. Heavily stocked patches will be retained along with existing snags and individual trees dispersed throughout the stands. The areas planned for treatment range from 60-170 acres in size. This amendment will not change the allocation of old growth habitat; it only seeks to improve conditions for the long-term health of these stands.

Old growth stands planned for treatment are shown on Map Figure 2-1 Alternative 2 Treatment Areas in Appendix A.

Commercial Thinning Treatments of Alternatives 2

Areas to be treated under Alternative 2 are shown on Map Figure 2-1 Alternative 2 Treatment Areas in Appendix A. We estimate that the thinning component of Alternative 2 will yield approximately 30-35 million board feet of merchantable timber.

The overall objectives are to emulate historical forest conditions of pattern, composition, structure, and density of vegetation, where a crown fire will not readily occur, insects and disease are at endemic levels of mortality, and the landscape is resilient when disturbances occur. Thinning densities will vary by forest type (keyed to plant associations) and objectives for the site. In thinned areas, the tree spacing retained will typically be denser in mixed conifer sites and less dense in ponderosa pine sites.

The thinning prescriptions will be designed to achieve the following objectives:

1. Restoration of ecologically desirable conditions of the majority of the landscape, including retention of existing and restoration of historic old tree populations.
2. Reduce stand densities, while increasing the mean diameter of stands.

3. Introduce and emphasize spatial complexity through variable density thinning from below to achieve a historic range of conditions from 30-120 square feet of basal area, favoring retention of large and old trees, especially ponderosa pine and sugar pine. Sufficient stock of younger trees will be retained to serve as replacements when existing large, old trees are lost to senescence or other natural causes.
4. Shift composition toward more fire- and drought-tolerant species, such as ponderosa pine and sugar pine. A fir component historically endemic to the forest around Spodue Mountain will be retained to maintain specialized habitat for wildlife.
5. Retain 5-15% of each treatment unit greater than 20 acres in unthinned patches (skips) to provide for mule deer cover and habitat diversity across the landscape. Unthinned patches would be irregular in shape and range in size from 1/8 to 1/2 acre.
6. Retain natural openings and create gaps designed to mimic natural openings from 1/10th to 2 acres in size on 5-10% of units greater than 20 acres. Structure can be retained in some gaps but will not be retained in all gaps.

Thinning treatments will be coordinated and scheduled to coincide with the prescribed fire treatment priorities and strategy. Cut trees will be removed to be utilized as sawlogs or biomass. Live ponderosa, sugar and lodgepole pine trees 21inches dbh or greater will be retained, except for the occasional tree removed for safety or operational needs (*2430 Letter from Regional Forester, 2/2/1999*). Retention and survivability of older trees (e.g. >21") will be improved by removing ground and ladder fuels and competing trees in an area around each older tree equal to about 2 times the drip-line of the crown of the tree. Where several old trees are present the treated areas may overlap. The publication *Identifying Old Trees and Forests in Eastern Washington* (Van Pelt 2008) will be used to help in identifying old trees that may be less than 21 inches dbh and are appropriate to retain within the context of restoration prescriptions.

Over the past five years there has been a marked increase in insect related mortality, particularly in mid-diameter lodgepole pine trees. There is potential for additional mountain pine beetle attacks to hit stands, particularly in the northern portion of the project area. Treatments in lodgepole pine stands that contain multiple layers in good condition for species such as black-backed woodpeckers will be coordinated with the Zone Wildlife Biologist. Existing snags will be retained at quantities that will meet the standards prescribed by the Regional Forester's Eastside Forests Plan Amendment 2 (USDA 1995). Dead lodgepole less than 21 inches in diameter may be cut and removed as a commercial product as either sawlog or biomass to reduce fuel loadings, making it safer to apply prescribed fire.

Pine and white fir stumps will be treated with a borax product to prevent the spread of root rot (*Use of Borax to Prevent Spread of Annosus Root Disease*, Fremont-Winema National Forest 7/2/2010 Letter to District Rangers).

With the exception of Sycan River, thinning treatments will occur within portions of RHCAs of perennial and intermittent streams. Treatment will be similar to the upland treatments described above, however leave basal areas and stocking densities will be toward the higher end.

Slash at landings will be piled for burning in the future if the material cannot be used for biomass or firewood. When the treatments are completed, landings will be scarified to provide a seedbed for re-vegetation and appropriate drainage installed to reduce erosion potential.

Existing large down wood and snags will be retained at a rate to meet the standards prescribed by the Regional Forester's Eastside Forests Plan Amendment 2 (USDA 1995). To the greatest extent possible, skidtrail and landing locations will be designed to avoid large snags. Snags that cannot be avoided in treatment areas, and determined to pose a safety hazard (as defined in *Field Guide for Danger Tree Identification and Response*, 2008) will be felled and retained on site as down wood if needed to meet standards per the Forest Plan. Danger trees on Forest Roads used for contractor access or timber haul, including external haul routes, will be felled and may be removed.

There is within the planning area about 120 acres of stands termed "moist lodgepole". These stands will be thinned towards 30 square feet of basal area in a clumpy/patchy pattern. Cutting of lodgepole pine less than 21 inches dbh will be priority. Lodgepole and ponderosa pine over 21 inches dbh will be retained along with healthy smaller diameter ponderosa pine. Treatments will be aimed at restoring the hardwood component particularly any aspen clones within these moist stands.

Thinning with ground-based equipment
Approximately 16,072 acres will be treated using ground-based equipment. Thinning will be accomplished by mechanized feller-buncher, grapple skidder operation with product manufacture on landings. To the extent possible, old skidtrails and landing will be utilized. Harvested trees will be yarded to landings with limbs and tops attached to reduce accumulation of activity fuels within treated areas. Landings up to an acre is size may be necessary to store small diameter material until it could be transported for use as biomass.

Thinning Using Helicopter Logging System
Approximately 2,644 acres will be treated using helicopter logging systems. Thinning will be accomplished using chainsaws and logs will be yarded to landings via helicopter logging systems. To reduce activity fuels, the tops of trees will be yarded to the landing with the last log of the tree. Landings up to two acres in size may be necessary for safe operations and to store small diameter material until it could be transported for use as biomass. Up to 30 landings may be needed for safe and efficient operation of a helicopter system, including a service landing where fueling and maintenance will occur.

Small Tree Thinning (with and without extraction)
Thin small diameter trees (<12 inches dbh) using chainsaw, mechanized equipment and/or prescribed fire on approximately 302 acres. This includes the Spodue Evaluation Plantation that will be selectively thinned into a seed production area and the old existing fence will be removed. With the exception of the Evaluation Plantation, a minimum of 5-15% of each treatment unit greater than 20 acres will be left unthinned (skips) to provide for mule deer cover and wildlife diversity across the landscape. Unthinned patches will be irregular in shape and range in size from 1/8 to 1/2 acre. Material that can be utilized for small diameter logs or biomass will be removed. Where necessary in areas where activity slash could not be removed, generated slash will be treated by mechanical crushing. Stands to be treated are shown on Map Figure 2-1 Alternative 2 Treatment Areas and Map Figure 2-2 Alternative 3 Treatment Areas in Appendix A of this document.

Temporary Roads
Up to 5 miles of temporary roads may be necessary to provide access to thinning treatment areas and allow for removal of forest products. All temporary roads are be constructed to low-standards, used

for only a short duration, and decommissioned following timber harvest and hauling activities. All temporary road-related activities will follow the direction contained in BMPs (Appendix B). A complete description of *road decommissioning*, a term used throughout the EA document, is found below under the heading ***Road Management Activities***.

Treatment of Sycan Wild and Scenic River Corridor
Prescribed fire will be utilized in the corridor to reduce the excess fuel buildup and allow fire to play a more natural role in the ecosystem. Some pre-treatment in the form of hand chainsaw work and slash piling may be necessary in a few areas of the corridor.

Prescribed Fire Landscape Treatments
Approximately 20,000 acres (*potentially including Valens private lands implemented under a Wyden agreement*) will be treated with prescribed fire to create conditions that mimic historic landscape vegetative structure, patterns, and disturbance regimes. Underburning will be implemented to produce a mosaic of approximately 60% burned and 40% unburned areas. To the extent possible, large snags and large down woody debris are to be protected. Existing roads, natural openings and features will be used as control lines where possible. Where roads are overgrown, road clearing and brushing will occur if needed to insure fire line effectiveness. Fire control lines will be constructed to the minimum level sufficient to ensure firefighter safety and to control fire spread. Constructed fire line is to be rehabilitated in accordance with the guidelines contained in the project resource protection measures.

Priorities for prescribed fire treatment are closely aligned with forest vegetation types in the project area. First priority will be to treat a band in the lower elevation pine stands around the base of Spodue Mountain, including along the main road corridor through the project area and the area right around Spodue Fire Lookout. Second priority is the pine associated stands on Spodue Mountain and finally third priority is the stringer stands and lodgepole pine stands in the project area (See Map Figure 2-3 Prescribed Fire Landscape Treatment Strategy in Appendix A). Prescribed fire applications will generally be implemented after the completion of thinning activities, over a period of about 3-10 years to allow adequate time for contract work to be performed, and to allow enough windows of the proper conditions to conduct underburning. To maintain the benefits of treatments, future maintenance underburns will need to be accomplished to prevent fuels buildup, restrict establishment of white fir trees and otherwise maintain desired conditions on the landscape.

Should prescribed fire treatment result in openings greater than two acres, reforestation will be considered. In MA 1 (Mule Deer Winter Range), if prescribed fire treatments does not result in meeting objectives related to seral stage diversity in bitterbrush, mechanical treatment with a mower/slashbuster will be utilized.

Aspen Stand Maintenance and Restoration
Cut encroaching conifers less than 21 inches dbh that are within 60 feet of aspen on approximately 149 acres of stands distributed across the project area. In order to protect new aspen sprouts from browsing and provide fawning cover, portions of cut trees will be retained on site. As needed, stands may be treated with prescribed fire to help regenerate clones. Stands to be treated are shown on Map Figure 2-4 in Appendix A.

Mahogany Stand Restoration
Remove encroaching juniper and conifers to allow for increases in the mahogany component on about 218 acres. Cut and remove conifers less than 21 inches dbh and non-old growth juniper within 60 feet of mahogany shrubs to provide for existing plant release and ground disturbance for seed germination. Stands to be treated are shown on Map Figure 2-4 in Appendix A.

> The definition of old growth juniper is as stated in *"Old Growth Western Juniper Woodlands"* (Miller, 1999): As juniper ages, canopy morphology shifts from cone shaped to rounded top tree. As age advances, the tree may also develop a combination of the following characteristics: broad non-symmetrical tops, deeply furrowed bark, twisted trunks or branches, dead branches and spike tops, large lower limbs, trunks containing narrow strips of cambium, hollow trunks, large trunk diameters relative to tree height, and branches covered with bright yellow green lichen (*Letheria* sp.).

Meadow Enhancement
Cut encroaching conifers and non-old growth junipers and remove where consistent with other management and restoration goals to restore meadow size and function. All meadows (about 4,000 acres total) in the project area have some degree of encroaching juniper, lodgepole pine and/or small ponderosa pine trees. Prescribed fire may be used where necessary to reduce slash and revitalize ground vegetation. Timing of treatments is to be coordinated with range managers to take advantage of pasture rest-rotation schedules that are in place. Meadow areas to be treated are shown on Map Figure 2-4.

Road Management Activities
Routine maintenance could occur on up to approximately 200 miles of existing transportation system roads, including haul routes outside of this planning area. Road maintenance actions may include clearing brush and trees from the travel way, ditch and culvert cleaning, slough and slide removal, blading and watering, installation of waterbars, earthen berms and/or cross ditches.

An interdisciplinary team completed a project level roads analysis as a separate component of this landscape restoration project. The roads analysis was focused on providing a transportation system that is safe, reduces ecological impacts, and meets immediate and projected long-term public and resource management needs. Appendix A in the EA contains a summary of the *Black Hills Project Roads Analysis Recommendations*. As identified and recommended through the *Black Hills Project Roads Analysis*:

- 30 miles of roads will be closed post-implementation.
  Road closure is performed by constructing barricades of rock, earthen berms or logs, or a combination of any of these near the beginning of a road. Closure materials are usually acquired onsite, if possible. Existing culverts on these roads would be removed and cross ditches and waterbars would be installed to control drainage. Closed roads are designated as "Operational Maintenance Level 1" in the Forests' transportation system database following their implementation.

- 94 miles of roads will be decommissioned post-implementation.
  Road decommissioning effectively removes the road from vehicular access and is meant to allow full revegetation and hydrologic function of the roadway's footprint on the land. Road decommissioning can be a collection of actions ranging from surface scarification or subsoiling with the road prism left intact, to a complete recontouring of the road prism back to

a natural slope. In all road decommissioning, culverts are removed and their sites rehabilitated. Typically, revegetation is accomplished through natural seeding or tree seedling planting of the former roadway. Decommissioned roads are removed from the Forests' transportation system database.

Roads planned for closure or decommissioning are shown on Map Figure 2-5 Road Management Recommendations.

Maintenance level changes will occur on existing system roads as follows:

Table 1. Maintenance Level Changes to Roads in Black Hills Project area

Currently Maintenance Level I, raise to Maintenance Level II	
3462029 (0.65 miles)	3462048 (0.19 miles)
3462032 (1.47 miles)	3462058 (0.13 miles)
3462033 (1.64 miles)	3462162 (0.87 miles)
3462041 (0.24 miles)	3462422 (1.54 miles)
3462046 (1.25 miles)	3462424 (0.47 miles)
Currently Maintenance Level III, drop to Maintenance Level II	
3462347 (5.61 miles)	
Currently Maintenance Level II, raise to Maintenance Level III	
3462000 (8.51 miles)	

Changes to the Forest Motorized Travel Management Plan

The Fremont-Winema National Forest completed the Motorized Travel Management Project Environmental Assessment and the Decision Notice was signed on July 8, 2010. Implementation of the decision will begin with the publication of the Motor Vehicle Use Map (MVUM) likely in February 2012. After publication of the MVUM, motor vehicle use is allowed only on designated roads and trails and in designated areas. Project level decisions that would result in changes to motorized access will be incorporated into updated publications of the MVUM.

Some components of the road management proposals that are included in the action alternatives of the Black Hills Project will lead to changes of the MVUM.

The planned maintenance level changes that are included in the selected alternative of Black Hills Project will result in changes to the MVUM as follows:

Road 3462347 will change from *allowing only highway legal vehicles* to allowing all motorized vehicles. Motorized access to dispersed camping will be allowed.

The following roads or portions of roads will be **added to the MVUM**, allowing access for all motorized vehicles and motorized access to dispersed camping:

3462029 (0.65 miles)	3462048 (0.19 miles)
3462032 (1.47 miles)	3462058 (0.13 miles)
3462033 (1.64 miles)	3462162 (0.87 miles)
3462041 (0.24 miles)	3462422 (1.54 miles)
3462046 (1.25 miles)	3462424 (0.47 miles)

Roads shown as Maintenance Level 1 (closed) in EA Appendix A - *Road Management Recommendations for the Black Hills Project* will temporarily be opened for use by Forest Service personnel or contractors during implementation of the activities contained in the selected alternative. These roads will remain closed to motorized access for the public.

Level 2 roads planned for closure or decommissioning under the selected alternative as listed in the table of EA Appendix A will no longer be available for motorized vehicle use and the MVUM will be updated in the future to reflect these changes.

The Motorized Travel Management Decision imposed seasonal restrictions on certain roads to prevent disturbance in mule deer winter range. Use of roads listed below is restricted during the period of December 1 to March 31 per the Motorized Travel Management Decision. This restriction may temporarily be lifted during implementation of the Black Hills Project if approval to operate during winter months is granted for a particular season.

3462124	3462262
3462026	3462263
3462509	3462438
3462462	3462457

Consultation with the Klamath Tribes

The Forest Service regularly consults with the Klamath Tribes on management activities and project proposals. The Klamath Tribes were initially made aware of the Black Hills Project planning effort at the fall 2003 quarterly pre-Schedule of Proposed Actions meeting between the Klamath Tribal Directors and Fremont-Winema National Forest' staff. The Forest Service has specifically been collaborating with representatives of the Klamath Tribes in the development of the Black Hills Project.

Field tours of the Black Hills project area in July 2009 included staff members of the Klamath Tribes Natural Resources Department and Ranger District staff members.

Additional input was gained during 2009-2011 from on-going discussions by Ranger District staff members with staff members of both the Klamath Tribes Natural Resources Department and the Klamath Tribes Culture and Heritage departments. The Nature Conservancy and Lomakatsi were also brought into the collaborative group for this project.

Further information on the history of consultation, information provided and technical consultation process with the Klamath Tribes for this project can be found in EA Chapter 3, Tribal Consultation and Treaty Rights.

Public Involvement and Collaboration

In ongoing efforts to keep the public apprised of Forest Service activities, the Black Hills Project proposal was first described in the Fremont-Winema National Forest' quarterly *Schedule of Proposed Actions* (SOPA) beginning with the winter 2003 edition. Priority changes resulted in the project being put on hold in 2005. The project was again listed in the January-March 2006 SOPA, and has since appeared in all subsequent editions. The initial proposed action was contained in a scoping packet of

June 10, 2009 that was mailed to adjacent landowners, and government agencies at all levels, conservation and environmental organizations, livestock and timber industry representatives, and other private interested individual that are on the Bly and Lakeview Ranger Districts NEPA mailing list. Project information was also posted on the Fremont-Winema Forests' public website.

The initial scoping process produced responses from:

George Sexton (Klamath-Siskiyou Wildlands Center)
Doug Heiken (Oregon Wild)
Crystal McMahon
Marc Valens and Anne Golden

Public comments and concerns generated through scoping were used to develop resource protection measures, project specific design criteria and another potential action alternative to achieve the desired outcome.

Field tours of the Black Hills project area in July 2009 included local private landowners and Ranger District staff members.

On March 18, 2010 a presentation on the Black Hills Project was made to the Klamath Watershed Partnership Sprague River Working Group at the Sprague River Community Center. This provided local ranchers and property owners in the Sprague River Valley an overview of the project and allowed for questions on the project to be addressed.

In the summer of 2011, the Fremont-Winema National Forest hosted Dr. Norman K. Johnson, Professor of Forest Resources at Oregon State University, and Dr. Jerry F. Franklin, Professor of Ecosystem Science at the University of Washington, to expose a broad range of natural resource specialists to their concepts for dry forest restoration from their joint paper titled *Restoration of Federal Forests in the Pacific Northwest, Strategies and Management Implications* (2009). While on the Forest they heard a brief description of the Black Hills Project. In September 2011, Norman and Jerry along with 16 students from the University of Washington, and Doug Heiken and Chandra LeGue of Oregon Wild toured the project while the Forest Service described the various elements of the proposed action. Norm and Jerry presented concepts used in the development of the 2008 Tribes Plan and their 2009 paper and explained how they could be applied to specific examples in the field. The final silvicultural prescriptions developed for the project will incorporate the principles of the strategies for dry forest restoration that Norm and Jerry described.

A 30-day public comment period was provided on a Preliminary EA detailing the proposed action and alternatives to it from September 11, 2011 through October 11, 2011. Comments were received from one organization, Oregon Wild. Forest Service consideration of these comments is provided in Chapter 4 of the final EA (January 2012).

Finding of No Significant Impact

Sufficient information has been disclosed in the analysis to make a reasoned choice among alternatives. No significant impacts on the quality of the human environment have been identified in the Black Hills Project EA (USDA Forest Service, January 2012). Information available from past actions of similar context and intensity on the Fremont-Winema National Forest also indicates that no significant impacts would be anticipated.

The actions described in Alternative 2 would be limited in scope and geographic application (40 CFR 1508.27(a)). The location of the actions is described in the EA (page 1-4) and on maps (Map Figures 1-1, 1-2, 2-2, 2-3). The Black Hills Project implements direction set forth in the Fremont National Forest Land and Resource Management Plan (1989), as amended. The Fremont National Forest is comprised of over 1 million acres; the Bly Ranger District encompasses over 333,000 acres of the Forest. The Black Hills Project will treat about 20,000 acres within the 357,751 acre Lower Sycan Watershed. Alternative 2 will implement thinning, prescribed fire and other connected activities on just over 0.05% of the Lower Sycan Watershed, 0.06% of the Bly Ranger District, and 0.02% of the Fremont National Forest. Given the area affected by the project at the watershed, District, and Forest scale, I find that the physical and biological effects are not significant as disclosed throughout Chapter 3 of the Black Hills Project EA (January 2012) and will have a negligible effect at the watershed, District, and Forest scale. Except for smoke from prescribed fire activities, no effects were identified that went beyond the planning area of the Black Hills Project.

Based on the site-specific analysis summarized in the Black Hills Project EA and on previous experience with similar proposals, I have determined that implementation of the actions described in Alternative 2 are not a major Federal action, individually or cumulatively, and will not have a significant effect on the quality of the human environment, considering the context and intensity of impacts (40 CFR 1508.27). Therefore, an environmental impact statement will not be prepared. This determination is based on the design of the project, on the specific project resource protection measures (sometimes referred to as mitigation measures) incorporated into the selected alternative (Appendix B of this Decision Notice) and on the consideration of the following factors:

1. Beneficial and adverse impacts (40 CFR 1508.27(b)(1)) of implementing Alternative 2 have been fully considered within the EA. Beneficial and adverse direct, indirect, and cumulative environmental impacts discussed in the EA have been disclosed within the appropriate context and intensity. I find that my decision will have neither a significant beneficial or adverse impact because the acres treated are a small percentage of similar acres across the landscape in the Fremont National Forest, and the anticipated effects are similar to those in past vegetation management projects, which have not proven to cause significant impacts. There will be no significant direct, indirect or cumulative effects to the various resources of the area or other components of the environment. I base this finding on the following:

   Thinning treatments will reduce conifer stocking densities and move stand structure closer toward historical conditions. Of the 19,016 treated acres, 17% will be in Late Seral Multilayer Forest and 45% will be in Late Seral Single Layer Forest (EA page 3-25). Residual tree vigor will be improved, increasing resiliency to climate change and limiting susceptibility to insect attack and disease. Gaps created in the tree canopy will provide for seedling establishment, particularly ponderosa pine, and an increase in grasses, forbs and aspen suckers (EA page 3-28). Juniper trees

which have expanded their range and encroached upon mountain mahogany and meadow areas will be removed allowing for re-establishment of mahogany and enhancement of meadow habitat (EA page 3-27).

The combination of thinning followed by prescribed fire will reduce fuel hazard and the risk of uncharacteristically severe wildfire while improving the ability to manage wildfires for beneficial purposes in the future (EA page 3-35). Treatments on Spodue Mountain will reduce surface fuels, canopy bulk density, and crown base height, which will result in large reductions in wildfire intensity, severity, and the potential for crown fire. Negative impacts from fuels treatments will be minimized, but may infrequently occur. Potential impacts include low amounts of overstory mortality scattered across the burn units. The amount of fireline constructed will be minimized, and minimum impact suppression tactics will be employed (EA page 3-37).

Streamflow in the project area is predominately intermittent. There are only 3 perennial streams located within the project area (combined distance of 6.8 miles). Thinning will lead to increases in shrub and herbaceous ground cover, which will facilitate soil water infiltration, increase groundwater storage and summer base flows, and decrease peak flows, overland flow, erosion and sediment delivery to streams. Ground-based logging equipment and the increased use of existing roads and the construction of temporary roads and skid trails will lead to some short term increase in soil compaction. However, this compaction will likely not be widespread, as approximately 72% of the soils within the project area have a low susceptibility to compaction and soil surveys during 2009 indicated that only 1% of the soils exhibited detrimental soil disturbance from past logging activity. Resource protection measures will minimize the possibility that treatment-generated sediment will directly enter streams (EA page 3-49). Low intensity prescribed fire may result in some localized areas of hydrophobic soils, though this will be short lived. Soil water infiltration capacity will increase as shrub and herbaceous vegetation begin to grow, and in the long term, soil water infiltration and storage will increase (EA page 3-50).

Road maintenance, closures and decommissioning all have the potential to cause short term compaction and/or increased runoff and erosion. However, these drainage improvements will ultimately divert flow off of roads, which will have the long term effect of slowing water velocity, reducing sediment delivery to streams, increasing soil water infiltration, and increasing the amount of water stored as groundwater. Construction of temporary roads could cause localized short term increases in surface erosion and stream sediment delivery, however implementation of BMPs and other resource protection measures will minimize the potential for these effects (EA page 3-50).

Direct effects to aquatic Proposed, Endangered, Threatened, Sensitive (PETS) species will not occur with implementation of this project as no activities are expected to take place in any fish-bearing stream channel. To further reduce the likelihood of direct effects to fish, resource protection measures listed in Chapter 2 of the EA will be fully implemented (EA page 3-62).

No direct activity (vegetation thinning) will occur within occupied redband trout habitat, the Lower Sycan River. Road decommissioning or maintenance and prescribed fire could occur adjacent to occupied habitat, but it is not likely to have direct impacts to fish and is expected to be beneficial to fish habitat. Overall, the project will have 'no impact' on redband trout or the MIS-listed trout family. The project will improve habitat conditions for MIS species redband trout, therefore, the

project will not contribute to a negative trend in viability on the Fremont National Forest for redband trout (EA pages 3-62 & 3-63).

This project will not retard or prevent attainment of Riparian Management Objectives (RMOs) or adversely affect native fish (TM-1 and FM-1 of INFISH), as no adverse direct or indirect effects to any fish species is expected. The proposed actions are consistent with the goals and applicable INFISH Standards and Guidelines (EA page 3-69)

Management Indicator Species (MIS) with habitat present include primary cavity excavators: red-naped sapsucker, pileated woodpecker, black-backed woodpecker; and northern goshawk, American marten, and mule deer. Short term increases in human traffic and disturbance may lead to these species altering habitat use patterns for a time during implementation activities. The planned road closures and decommissioning will reduce disturbance of wildlife species and promote habitat and its connectivity. Red-naped sapsuckers will benefit from aspen enhancement work and improved foraging conditions (EA page 3-77). Pileated woodpeckers may be adversely affected by reduced stand densities and snag creation after thinning, however these conditions would not be inconsistent with historical conditions and habitat will be provided over the long term (EA page 3-78). Black-backed woodpeckers may be affected by fewer snags being created through natural processes such as fire and beetle kills after treatments, however snags will continue to persist and habitat will be provided over the long term (EA page 3-79). Overall, snags and down wood habitat will remain on the landscape, with the potential for a greater number of large snags in the future (EA page 3-75). Thinning will reduce overall stand densities and provide for greater assurance of stand health and retention over time. Nesting habitat for goshawks will exist in retention patches across the landscape intermingled with more open areas for foraging (EA page 3-81). Thinning and fuel reduction treatment will modify and remove vegetation that contributes to habitat for American martin. When considered from current conditions, this will affect marten and prey species habitat, however it will be moving the vegetation towards historical conditions that are more sustainable and resilient, and would still provide marten habitat (EA page 3-83). The project will improve habitat for mule deer by retaining dense patches for hiding and thermal cover, rejuvenating forage and browse production and decreasing open road densities (EA page 3-86).

All road activities associated with the project will follow the BMPs listed in Appendix B of the EA to reduce or prevent resource damage (EA page 3-110). Planned road maintenance activities will effectively reduce sediment delivery to streams and lower the potential risk of culvert and fill failures both during and for a number of years following implementation. Closing and decommissioning identified roads will come close to satisfying Forest Plan direction to reduce overall road densities across the Forest to 2.5 miles per square mile. The proposed road management activities will allow for continued reasonable and safe access for timber stand management, fire suppression, range management, terrestrial and aquatics species protection and public use/recreation within the Black Hills Project area (EA page 3-109).

Existing recreation opportunities will continue to be available, though opportunities for solitude will be interrupted short term as project activities are occurring. Dispersed camping may be displaced short term in localized areas as thinning and prescribed fire treatments are being implemented. Road closures, decommissioning, and travel management implementation will reduce the opportunities to access all areas by motor vehicle, but it will increase opportunities for

solitude and could lead to improved big game hunting opportunities. Road traffic will increase during implementation and log hauling, however road conditions will be improved through associated road maintenance activities benefitting those traveling for pleasure through the forest (EA page 3-102).

Temporary short term effects to scenic quality of the foreground viewing zone of Road 3462 will include log decks and slash piles, scorched needles of low tree branches, blackened ground and some small tree mortality. Thinning and prescribed fire will result in long-term beneficial effects to scenic quality through improved forest health, more open forest conditions and large trees visually prominent on the landscape. The project will be consistent with the Forest Plan objective to provide an attractive, natural appearing forest visual character in the scenic corridor of Road 3462 (EA page 3-103)

The Forest's weed control program along with specific Project Design and Resource Protection Measures and monitoring included in the selected alternative will minimize the potential for spread and establishment of noxious weeds (EA page 3-113).

2. My decision will not adversely affect public health or safety (40 CFR 1508.27). No significant effects to public health or safety have been identified (EA page 3-114). This finding is supported by knowledge of past similar projects in which no effects to public health or safety have occurred. The project will meet all criteria to protect air quality and will not result in any long-term effects to air quality (EA pages 3-39 – 3-40).

3. There will be no significant effects on unique characteristics of the area (40 CFR 1508.27) such as parklands or prime farmlands, as there are no such areas in the project vicinity (EA page 3-114). The project will have no impact on floodplains or wetlands as described in Executive Order 11990. Adherence to INFISH (1995) direction provides the mechanism by which the Forest Service complies with Executive Order 11990 (EA page 3-114).

   There are no Inventoried Roadless Areas (IRAs) within or adjacent to the Black Hills Project (EA page 3-104). There will be no effects to roadless areas, potential wilderness areas, or other undeveloped areas, as no areas of a size and configuration sufficient to protect the inherent special characteristics associated with roadless conditions, potential wilderness or otherwise undeveloped conditions exist in the Black Hills Project area (EA page 3-105).

   Utilizing prescribed fire in the Sycan Wild and Scenic River corridor will result in temporary short term visual effects such as blackening ground vegetation, scorching needles of low branches, or small tree mortality. Long term the treatment will be beneficial in reducing the potential for adverse effects from high intensity wildfire and will provide improved conditions for maintaining large old trees in the river corridor. Using prescribed fire to manipulate vegetative conditions is consistent with the management goals for the Sycan Wild and Scenic River to maintain a visual quality objective of retention and manage the river corridor to preserve the natural character of the area (EA page 3-103).

4. The effects on the quality of the human environment are not likely to be highly controversial (40 CFR 1508.27). These types of activities have taken place on the Fremont-Winema National Forest

and Bly Ranger District in similar areas and the resulting effects are well known and understood. In that sense, there is no known scientific controversy over the impacts of the project. CEQ guidelines relating to controversy refer not to the amount of public opposition, but to where there is a substantial dispute as to the size, nature, or effect of the action. Given the site-specific conditions and impacts disclosed in the EA (EA pages 3-1 – 3-114), the effects of implementation of this decision on the quality of the human environment are not likely to rise to the level of scientific controversy as defined by the Council of Environmental Quality.

5. The alternative I have decided to implement will not impose highly uncertain or involve unique or unknown risks (40 CFR 1508.27). The Fremont-Winema National Forest has considerable experience with the types of activities to be implemented and the activities proposed in this decision are well-established land management practices. The risks are well known and understood. Based on previous similar actions, the probable effects of this decision on the human environment, as described in the EA, do not involve effects that are highly uncertain or involve unique or unknown risks.

6. My decision to select for implementation Alternative 2 of the Black Hills Project EA does not set a precedent for other projects that may be implemented to meet the goals and objectives of the Forest Plan, nor does it represent a decision in principle about a future consideration (40 CFR 1508.27). The Forest Plan Amendments included in Alternative 2 are limited to the actions of the Black Hills Project.

7. The actions of the Black Hills Project are not related to other actions with individually insignificant but cumulative significant impacts (40 CFR 1508.27). The analysis takes into account activities and natural events that already have occurred, are currently occurring, or are likely to occur in the planning area. The cumulative effects analyses in the EA, for each resource, focuses on those past and ongoing actions and activities whose effects have a geographical and timing overlap with the direct and indirect effects of the proposed action, as there are no reasonably foreseeable future actions proposed in the area. No significant cumulative effects have been identified.

8. Cultural resource field surveys were completed prior to preparing the analysis for this project. The actions of this project will not adversely affect districts, sites, highways, structures, or objects listed in, or eligible for, listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural or historical resources (40 CFR 1508.27). This is because all known sites will be protected, sites discovered during implementation of the project will be avoided, and monitoring of sites will occur during project implementation (EA pages 3-96 & 3-97). Under the auspices of a *Programmatic Agreement* with the State Historic Preservation Officer (SHPO), the Forest Archeologist has certified that the project will have no effect on listed or eligible cultural resources.

9. The actions associated with the alternative selected for implementation are not likely to significantly adversely affect any endangered, threatened, or sensitive terrestrial wildlife species, aquatic species, plant species, or designated critical habitat (40 CFR 1508.27) under the Endangered Species Act of 1973 based on the following information from biological evaluations and assessments prepared for this project:

The Oregon and Columbia spotted frogs are Federal candidate species for listing under the Endangered Species Act. However, they are also Forest Service sensitive species, and were addressed as a part of the Biological Evaluation for this project. The best available habitat on the Ranger Districts has been surveyed with no detections (EA page 3-70).

The Wildlife Biologist made a finding of "may impact individuals or habitat, but will not likely contribute to a trend toward federal listing or loss of viability to the population or species" of any Region 6 sensitive wildlife species that may be present in the planning area (EA page 3-73).

The project will have 'no effect' on threatened Klamath Basin bull trout or its critical habitat due to the low flow regime of the Lower Sycan River and the lack of potential habitat. There will be 'no effect' on endangered Lost River and shortnose suckers or their critical habitat as there are no known occurrences of the fish in the analysis area and their critical habitat is 5 miles downstream of the National Forest Lands and the project area. The project will have 'no impact' on redband trout (R6 sensitive species) and will not contribute to a negative trend in viability on the Fremont National Forest. The project will improve habitat conditions for redband trout in the project area (EA page 3-62).

Documented or suspected habitat for federally listed Threatened, Endangered, or Candidate plant species does not occur on the Fremont-Winema National Forest. Of the known sensitive species that are documented or suspected to occur on the Fremont-Winema National Forest, four sensitive plant species, *Carex abrupt, Carex capitata, Carex lasiocarpa* var. *americana* and *Eleocharis bolanderi*, have potential habitat within the project area. Project Design and Resource Protection Measures have been specifically tailored to minimize any impacts to these species from project implementation (EA pages 3-89 & 3-91). The project will have 'no impact' or 'may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species' for all Region 6 sensitive plant, lichen and fungi species that have potential habitat within the planning area (EA pages 3-91 & 3-92).

10. This decision is in compliance with relevant Federal, State and local laws, regulations and requirements designed for the protection of the environment (40 CFR 1508.27).

Other Findings

1. Federal regulations require that permits, contracts, cooperative agreements, and other activities carried out on the Bly Ranger District are consistent with the Fremont National Forest Land and Resource Management Plan (Forest Plan), as amended. I have reviewed my decision against Forest Plan direction, and I have determined that this action, with the Forest Plan Amendments for two exceptions, is consistent with the goals, objectives, and direction contained in the Record of Decision (ROD) for the Fremont National Forest Land and Resource Management Plan and accompanying Final Environmental Impact Statement (1989). Alternative 2 (with the Forest Plan Amendment to allow activities in allocated old growth MA 3 and MA14 and cutting >21" white fir trees) complies with all applicable direction, including both Management Area and Forest-Wide standards and guidelines, Regional Forester's Eastside Forest Plan Amendment No. 2 and the Inland Native Fish Strategy (INFISH, 1995). The project meets the "does not retard attainment" of Riparian Management Objective requirement of INFISH.

2. The procedures used to initiate and complete the planning of the project are consistent with the 1999 Memorandum of Agreement between the Klamath Tribes and the U.S. Forest Service, as amended 2005. The project is not expected to have an adverse effect on Treaty Rights or treaty right resources (EA pages 3-8 – 3-17). The Klamath Tribes have worked in collaboration with the U.S. Forest Service on developing and designing the Black Hills Project.

3. This decision is in compliance with Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (EA page 3-114). The project also complies with Executive Order 11990 (protection of wetlands) (EA page 3-114) and Executive Order 13112 (invasive species) (EA page 3-113).

4. As required by 36 CFR 219.35, I have considered the best available science in making this decision. The project record demonstrates a thorough review of relevant scientific information, consideration of responsible opposing views, and where appropriate, the acknowledgement of incomplete or unavailable information, scientific uncertainty and/or risk.

NFMA Finding of Non-Significant Forest Plan Amendment
This decision is being made under the 2000 Forest Service planning regulations (36 CFR 219.35). Given the analysis disclosed in the Black Hills Project EA (pages 3-2 – 3-7 and 3-25 – 3-27) I have determined that my decision to adopt the described Forest Plan Amendment #37 is a non-significant amendment to the Fremont National Forest Land and Resource Management Plan, 1989, as amended, in accordance with regulations. This Forest Plan amendment is limited to only the actions of the Black Hills Project.

This site specific Forest Plan Amendment will result in a departure from the following standards and guidelines:

This amendment will change the standard and guidelines for "dedicated" pine and pine-associated old growth that states "*Old-growth pine and pine-associated stands are dedicated, i.e. receive no timber management.* Alternative 2 will result in commercial thinning of about 471 acres of pine and 183 acres of pine-associated old growth. Treatments will be focused on maintaining or promoting LOS conditions, while creating resilient forest conditions.

This amendment also will change the standard and guidelines for "managed" lodgepole pine old growth that states: "*Old growth lodgepole pine stands will be managed on a 120 year rotation. Select and place under management replacement stands, with emphasis on stands with the earliest replacement potential.*" This project will treat about 726 acres of "managed" lodgepole old growth without designating other stands as replacement old growth. This change will apply to approximately 726 acres of "managed" old growth lodgepole.

Additionally, this amendment will change the standard and guideline of the Regional Forester's Eastside Forests Plan Amendment 2 that requires retention of live trees greater than 21 inches dbh. Portions of the Black Hills Project area will benefit from an amendment to the eastside screens that will allow for cutting and removing some white fir trees over 21 inches DBH. This change may apply

to up to approximately 8,600 acres of pine associated stands that are proposed for thinning treatments and will result in cutting about two white fir trees per acre greater than 21 inches dbh.

Implementation, Administrative Review and Appeal Opportunities
This decision is subject to appeal pursuant to 36 CFR 215. Any written notice of appeal of the decision must be fully consistent with 36 CFR 215.14, Appeal Content.

The notice of appeal must be filed hard copy with Regional Forester Kent Connaughton, Appeal Deciding Officer, ATTN: 1570 APPEALS, P.O. Box 3623, Portland, Oregon, 97208-3623, faxed to (503) 808-2339, sent electronically to, appeals-pacificnorthwest-regional-office@fs.fed.us, or hand delivered to 333 S.W. First Avenue, Portland, Oregon between 7:45AM and 4:30PM, Monday through Friday except legal holidays. The appeal must be postmarked or delivered within 45 days of the date the legal notice for this decision appears in the Klamath Falls *Herald and News*. The publication date of the legal notice in the Klamath Falls *Herald and News* is the exclusive means for calculating the time to file an appeal and those wishing to appeal should not rely on dates or timeframes provided by any other source.

Electronic submittals must contain the project name and the appellant's name, address, and phone number, if available, and either a scanned signature or other verification of authorship upon request. Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in Microsoft Word, rich text format, or portable document format only. E-mails submitted to e-mail addresses other than the one listed above, in other formats than those listed, or containing viruses will be rejected. For electronically mailed comments, the sender should normally receive an automated electronic acknowledgement from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgement of the receipt of the comments, it is the sender's responsibility to ensure timely receipt by other means. Individuals and organizations wishing to be eligible to appeal must meet the information requirements of 36 CFR 215.6.

If no appeal is received, implementation of this project will not occur prior to 5 days after the end of the appeal period, following the date on which the legal notice announcing this decision appeared in the Klamath Falls *Herald and News*.

If an appeal is filed, implementation will not occur prior to 15 days following the date of appeal disposition. If multiple appeals are filed, the disposition date of the last appeal will control the implementation date.

Fred Way ***January 11, 2012***
FRED WAY DATE
Forest Supervisor
Fremont-Winema National Forest

Contact Information:

Jody Perozzi
SE Zone Planning Staff
Bly Ranger District
P.O. Box 25
Bly, OR 97622
Phone: (541) 353-2723

Distribution

Klamath Tribes
Marc Valens
Crystal McMahon
Dr. Norm Johnson
Doug Heiken (Oregon Wild)
George Sexton (Klamath-Siskiyou Wildlands Center)